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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,800	01/07/2004	Timothy R. Littlefield	CTI-SYSTEM	5127

7590 07/11/2006

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EXAMINER

MARIAM, DANIEL G

ART UNIT PAPER NUMBER

2624

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/752,800	Applicant(s) LITTLEFIELD ET AL.	
	Examiner DANIEL G. MARIAM	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Pomatto, et al. (6,572,572).

With regard to claim 1, Pomatto, et al. discloses a system comprising: a digitizer, i.e., scan controller, for substantially instantaneously capturing a three dimensional image of a head and producing first data representative of said image (See for example, col. 3, line 37-56); and one or more computers, operable in response to said first data to automatically control manufacture of a wearable device for said head, i.e., head orthosis device (See for example, col. 4, lines 7-65).

With regard to claim 2, a system in accordance with claim 1, wherein: said wearable device is a customized device unique to said head (See for example, col. 3, line 57 – col. 4, line 28).

With regard to claim 3, a system in accordance with claim 2, wherein: said one or more computers automatically selects a configuration for said wearable device in response to said first data (col. 4, lines 36-43).

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With regard to claim 4, a system in accordance with claim 2, wherein: said one or more computers automatically selects trim lines for said wearable device (col. 5, lines 34-41).

With regard to claim 5, a system in accordance with claim 1, comprising: fabrication apparatus responsive to said one or more computers for manufacturing said wearable device (See for example, col. 5, lines 5-14).

With regard to claim 6, a system in accordance with claim 5, wherein: said fabrication apparatus comprises milling apparatus to produce a custom form on which said wearable device is formed (col. 5, lines 8-34).

With regard to claim 7, a system in accordance with claim 5, wherein: said fabrication apparatus comprises vacuum apparatus for forming a plastic material (col. 6, lines 58-60).

With regard to claim 8, a system in accordance with claim 5 wherein: said fabrication apparatus comprises trimming apparatus (See item 150, in Fig. 1).

With regard to claim 11, a system in accordance with claim 1, wherein: said one or more computers is responsive to said first data to automatically select a device type and a device style for said wearable device (See col. 6, line 62 through col. 7, line 13).

Claims 9 and 10 are rejected the same as claim 11. Thus, argument analogous to that presented above for claim 11 is applicable to claims 9 and 10.

With regard to claim 12, a system in accordance with claim 1, wherein: said head is an infant's head; and said wearable device comprises a cranial remodeling device (See col. 3, line 57 – col. 4, line 6).

With regard to claim 13, a system in accordance with claim 12, wherein: said cranial remodeling device is a customized cranial remodeling device unique to said infant's head (col. 3, line 57 through col. 4, line 28).

With regard to claim 14, a system in accordance with claim 13, wherein: said one or more computers automatically selects a cranial remodeling device type and style in response to said first data (See col. 6, line 62 through col. 7, line 13).

With regard to claim 15, a system in accordance with claim 14, wherein: said one or more computers automatically selects features for said cranial remodeling device (See for example, col. 4, lines 29-43).

With regard to claim 16, a system in accordance with claim 12, wherein: said one or more computers automatically selects trim lines for said cranial remodeling device (col. 5, lines 34-41).

With regard to claim 17, a system in accordance with claim 12, comprising: fabrication apparatus responsive to said one or more computers for manufacturing said cranial remodeling device (See for example, col. 5, lines 8-41).

With regard to claim 18, a system in accordance with claim 17, wherein: said fabrication apparatus comprises milling apparatus to produce a custom form on which said cranial remodeling device is formed (See for example, the abstract; and col. 5, lines 5-38).

With regard to claim 19, a system in accordance with claim 18, wherein: said fabrication apparatus comprises vacuum apparatus for forming a plastic material on said custom form (col. 6, lines 58-60).

With regard to claim 20, a system in accordance with claim 19, wherein: said fabrication apparatus comprises trimming apparatus (See item 150, in Fig. 1).

With regard to claim 23, a system in accordance with claim 17, wherein: said one or more computers is responsive to said first data to select a cranial remodeling type and style for said cranial remodeling device (See col. 6, line 62 through col. 7, line 13).

Claims 21 and 22 are rejected the same as claim 23. Thus, argument similar to that presented above for claim 23 is applicable to claims 21 and 22.

Claims 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 are rejected the same as claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 respectively except claims 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 are directed to method claims. Thus, arguments similar to those presented above for claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 are respectively applicable to claims 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46.

### ***Conclusion***


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 5094229, 5951503, 6340353, 6423019, 6536058, 6572572, and 6957961. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DANIEL G MARIAM  
Primary Examiner  
Art Unit 2624

July 6, 2006